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CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF: DISAPPEARANCES AND SUMMARY EXECUTIONS; FREEDOM OF EXPRESSION; RELIGIOUS INTOLERANCE

Written statement submitted by the Association for World Education, a non-governmental organization on the Roster

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 January 1999]

GE.99-10650 (E)

The Rushdie affair, the Rushdie syndrome, and a decade Of United Nations reactions

1. On the tenth anniversary of Ayatollah Khomeini's fatwa against the British writer Salman Rushdie, the Association for World Education is submitting a substantive documentation on the Rushdie affair the greatest freedom-of-opinion-and-expression issue of our time, and on the efforts of United Nations human rights bodies to address that issue.

2. We firmly believe that a clear condemnation of the fatwa by the Organization of the Islamic Conference (OIC), and by its member States, at the fifty-fifth session of the Commission on Human Rights would be a real contribution to the protection of article 19 of the Universal Declaration of Human Rights - and for the struggle against terrorism and summary executions. The OIC is the appropriate body to make this condemnation, as representative of the Government of the Islamic Republic of Iran have constantly stressed that the fatwa is binding on all Muslims and not just on Iranians.

3. The Iranian Government has repeatedly cited the declaration adopted at the 18th meeting of foreign ministers of the OIC held in Riyadh (Saudi Arabia) on 13-16 March 1989, which "had proclaimed, in unambigous terms, the apostasy of Salman Rushdie". Indeed, the 44 foreign ministers present at that meeting did promulgate a ban on The Satanic Verses, but they did not comment on the fatwa that sentenced its author and publishers to death. However, they did pronounce Salman Rushdie to be an apostate. As the traditional interpretation of Shariah law requires that the punishment (hadd) for an apostate (ridda) should be death, one of the three cases where a Muslim's blood may be legally shed, we believe that it is the OIC that should declare the fatwa contrary to international human rights norms.

4. The fatwa has remained for 10 years a constant threat against the life of Salman Rushdie, as well as being an impediment to the normal functioning of the Islamic Republic of Iran within the world community.

5. Meeting with British Foreign Secretary Robin Cook, as recently as 24 September 1998 - 10 years after the publication of The Satanic Verses - the Foreign Minister of the Islamic Republic of Iran, Dr. Kamal Kharazi, declared that the Iranian Government

> "has no intention, nor is it going to take any action whatsoever to threaten the life of the author of *The Satanic Verses* or anybody associated with his work, nor will it encourage or assist anybody to do so. Accordingly, the Government dissociates itself from any reward that has been offered in this regard and does not support it."

6. Although this statement allowed the British Government to resume full diplomatic relations with Tehran, broken off in 1989, it soon became evident that these assurances were similar to those expressed by Iranian diplomats in June 1989, soon after the death of Ayatollah Khomeini, and since then. Foreign Minister Kharazi readily acknowledged that he was saying nothing new: "We did not adopt a new position with regard to the apostate Salman Rushdie, and our position remains the same as that which has been repeatedly stated by the Islamic Republic of Iran's officials." Moreover, since Iran considers

that Islam does not allow a division between religion and government, the separation of a religious fatwa from government policy would violate this principle.

7. It is important to distinguish between two types of religious rulings in Iran: a fatwa and a hukm - the former remains valid only during the lifetime of the religious authority who issues it; the latter continues in effect beyond his death. Despite the Western habit of referring to the edict against Rushdie as a fatwa, Iranian spokesmen have universally regarded it as a hukm. ("This is not a fatwa which died with the death of the religious leader who issued it.... It is a hukm which is permanent and it will stay in place until it is carried out." - Ayatollah Javardi-Amoli, February 1997).

8. Ayatollah Khomeini's binding fatwa (hukm) of 14 February 1989 reads:

> "I inform the proud Muslim people of the world that the author of The Satanic Verses book - which is against Islam, the Prophet, and the Koran - and all involved in its publication, who were aware of its content, are sentenced to death." "Anyone who dies in the cause of ridding the world of Rushdie", he added, "will be regarded as a martyr and go directly to heaven".

9. On 17 February, the then President, Ali Hoseyni Khamane'i, declared that if Salman Rushdie were to repent, "it is possible that the people may pardon him". But, on 19 February, following Rushdie's inadequate apology, Ayatollah Khomeini complemented his religious fatwa (hukm):

> "Even if Salman Rushdie repents and becomes the most pious man of [our] time, it is incumbent on every Muslim to employ everything he has, his life and his wealth, to send him to hell.... If a non-Muslim becomes aware of his wherabouts and has the ability to execute him quicker than Muslims, it is incumbent on Muslims to pay a reward or a fee in return for this action."

10. On 1 March 1989, the Special Rapporteur on summary or arbitrary executions referred to this unusual call for arbitrary execution when introducing his annual report to the Commission:

> "The Human Rights Committee has observed that arbitrary killings are forbidden and the law must strictly control and limit the circumstances in which a person may be deprived of his life.... The right to life is a right from which all other rights flow."

11. In a subsequent reply to the Special Rapporteur's 3 March cable from the Centre for Human Rights, the Iranian Government made its position clear:

> "The Special Rapporteur's intervention in the case of Salman Rushdie's criminal offence against Islam and the world Muslim community was outside his mandate and thus unwarranted." (E/CN.4/1990/22, para. 254)

12. In an interview four years later, Iranian President Ali Akbar Hashemi Rafsanjani referred to the fatwa against Salman Rushdie:

> "This is prescribed by an Islamic law that has been in existence for a thousand years. Even if the Imam [Ayatollah Khomeini] had not pronounced a fatwa, it could have been traced in the books of great Islamic scholars. It is written that anyone cursing the Prophet is condemned to death." (Time International, 24 May 1993)

13. Soon after the fatwa's proclamation, the Iranian Ambassador to the Holy See declared that he would kill Salman Rushdie with his own hands, and Iranian Interior Minister Ali Akbar Mohtashemi called on hizbollah agents worldwide to execute him. Also on 15 February, Ayatollah Hassan Sana'i, head of the 15 Khordad Foundation - created by the Iranian Government on 15 June 1979 - appeared on Iranian TV and offered $3 million to any Iranian and a $1 million to any foreigner who killed Rushdie; he raised the prize money to $2 million in March 1991 - and "with additional expenses" on 17 June 1992 (Iran Times, 26 June 1992); on 2 November 1992, he called on "all Muslims of the world to unite and make an effort to end the life of the apostate Rushdie". Three days after Ayatollah Sana'i announced that this foundation would "send volunteers abroad to execute the death sentence," Iran's Supreme Guide, Ali Khamane'i, reappointed him - and nine others - as a member of the official Council on Expediency and Discernment. (Iran Times, 13 and 20 November 1992). Yet, in December 1997, when Ayatollah Sana'i again raised the bounty to $2.5 million, President Ali Akbar Hashemi Rafsanjani declared that "this foundation is a non-governmental foundation and its decisions are not related to government policies".

14. On 3 July 1991, Ettore Caprioli, the Italian translator of The Satanic Verses, was grievously injured, while Hitoshi Igarishi - professor of literature and an admirer of Islamic civilization - who had translated the book into Japanese, was executed in Tokyo on 12 July 1991. William Nygaard, the Norwegian translator, was knifed.

15. On 30 June 1992, 147 out of 270 deputies of the newly elected Majles (Iranian National Assembly) signed a letter condemning the British Parliament for receiving Salman Rushdie. It read, inter alia:

> "We deputies of the Majles, in obedience to the decisive views of the eminent leader, His Eminence Ayatollah Ali Khamane'i, declare that the Imam's historic fatwa on the apostasy of Salman Rushdie remains in force as before and that all Muslims and all the world's hezbollah forces are duty-bound to carry it out."

In November 1992, Iran's Chief Justice, Ayatollah Morteza Moqtadi, also confirmed that Ayatollah Khomeini's fatwa (hukm) was irrevocable.

16. On 14 February 1993, Ayatollah Ali Khamane'i, who had succeded the Ayatollah Khomeini in June 1989 as Iran's Supreme Guide, confirmed that the death sentence must be carried out whatever the circumstances:

> "Imam Khomeini has shot an arrow at this impudent apostate. The arrow is moving to its target and will sooner or later hit it. The verdict

must undoubtedly be carried out and will be carried out.... Solving the Rushdie issue is possible only with the handing of this apostate and infidel person to Muslims."

17. The Committee on Economic, Social and Cultural Rights dealt explicitly with the Rushdie affair in its concluding observations on Iran's initial report (see E/1994/23-E/C.12/1993/19, para. 128).

18. On 30 October 1992, during the examination of Iran's second periodic report at its forty-sixth session, three experts of the Human Rights Committee raised the case of Salman Rushdie, (Mr. Rhein A. Myullerson, Mrs. Christine Chanet, and Mrs. Rosalyn Higgins), inter alia concerning the incompatibility between the International Covenant on Civil and Political Rights and the Ayatollah Khomeini's 1989 fatwa (see A/48/40, paras. 208, 217, 234).

19. On 7 April 1993 at its forty-seventh session, the representative of the Judicature of Iran, Mr. Hussain Mehrpour, replied:

"Several members had referred to the death sentence passed on the writer Salman Rushdie and had requested an explanation of its relationship to the Covenant. The Western world must understand that Mr. Rushdie's book was a severe insult not to Iran but to Islam and to the Prophet, a person considered by all the Islamic world as the messenger of God.... Moreover, it was important to point out that the Iranian Parliament had not passed any law calling for Mr. Rushdie's execution, nor had any court condemned him. Any action taken in response to that decree would be based on an individual's religious belief, not on a formal judicial decision."

20. It is most regrettable that, until 1993, neither the Commission nor the Sub-Commission passed a resolution condemning the fatwa or the subsequent public incitations to murder British writer Salman Rushdie. Then, in resolution 1993/62 on the "Situation of human rights in the Islamic Republic of Iran", the Commission finally made this reference:

"Also expresses its grave concern that there are continuing threats to the life of a citizen of another State which appears to have the support of the Government of the Islamic Republic of Iran and whose case is mentioned in the report of the Special Rapporteur" (para. 5).

21. Resolution 1994/73 added, "... to the life of Mr. Salman Rushdie, as well as to individuals associated with his work" (para. 5). This wording remained the same in resolutions 1995/68 and 1996/84, but in 1997/54 there were two additions: "and deeply regrets the increase announced in the bounty offered for the assassination of Mr. Rushdie by the 15 Khordad Foundation" (para. 2 (d)); and "Calls upon the Government of the Islamic Republic of Iran ... to provide satisfactory written assurance that it does not support or incite threats to the life of Mr. Rushdie" (para. 3 (f)). Resolution 1998/80 went further: "... and deeply regrets the failure of the Government to condemn the bounty for the assassination of Mr. Rushdie by the 15 Khordad Foundation" (para. 3 (e)); and again "Calls upon [the Government] to provide satisfactory written assurances that..." (para. 4 (i)).

22. Today, there is near-unanimous agreement in Iran that the edict against Rushdie is a permanent decree, one which both constitutes government policy and at the same time is beyond the competence of government to affect. Therefore, neither President Mohammad Khatami nor Foreign Minister Kamal Kharrazi speaks with authority for the Government of Iran on this subject. Only Ali Hoseyni Khamane'i, Khomeini's successor, can act and he has steadfastly supported the death edict.

23. The Rushdie affair began as a somewhat exotic matter, which many - especially in the United Nations - tried to ignore. But the infection festered, eating away at international norms, attacking the very heart of the International Bill of Rights, particularly the right to freedom of opinion and expression. Waves of Islamist assassinations have struck several Muslim countries, decimating writers, journalists, artists, intellectuals - those considered by religious extremists as "heretics" or "apostates" and therefore legitimate targets. Regarding "insults against Islam", there has been an escalation of death fatwas emanating from Iran, and elsewhere, against individuals and entire groups - even incitement to genocide by Ayatollah Muhammad Yazdi, the head of the Iranian judiciary, in a sermon on 4 July 1997, broadcast by Tehran's Voice of the Islamic Republic of Iran (BBC World Service), 1030GMT; see (E/CN.4/Sub.2/1997/NGO/15).

24. The Association for World Education, therefore, calls upon the Organization of the Islamic Conference (OIC) to make a clear and firm declaration indicating that the 10-year-old fatwa of Ayatollah Khomeini against British citizen Salman Rushdie is not compatable with internationally recognized human rights norms.

25. The Association for World Education also calls upon the Commission on Human Rights to adopt a resolution of condemnation which would give hope to many millions worldwide, who will never accept that any authority, whether religious or secular, can arbitrarily condemn a person to death by decree - for heresy, apostasy, an opinion, or a book.